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Mayor Keith A. James  
Commission President Shalonda Warren (District 2)  
Commissioner Cathleen Ward (District 1)  
Commissioner Christy Fox (District 3)  
Commissioner Joseph A. Peduzzi (District 4)  
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk Shaquita Edwards

**City of West Palm Beach  
City Commission  
Agenda  
Monday, October 30, 2023  
5:00 PM**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. CIVILITY AND DECORUM**

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

## 5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

## 6. APPOINTMENTS

- 6.1. City Commission approval is requested for the Mayor's reappointment of Larry D. Brown to the West Palm Beach Housing Authority for a term of four (4) years to expire on November 4, 2027. It is required that the City Commission confirms Mr. Brown's reappointment.

**Originating Department:**

Mayor's Office

**Staff Recommended Motion:**

Mr. Brown's reappointment is supported. He is knowledgeable, very involved, and an excellent participant and board member.

## 7. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 7.1. Resolution No. 267-23 approving a Special Event License Agreement with Shifting Gears United for the "5th Annual Freedom Coast Ride" on Saturday, November 11, 2023 and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 267-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND SHIFTING GEARS UNITED FOR THE PURPOSE OF CONDUCTING THE 5TH ANNUAL FREEDOM COAST RIDE AT DREHER PARK ON NOVEMBER 11, 2023 FROM 7:00 AM TO 2:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO SHIFTING GEARS UNITED FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE 5TH ANNUAL FREEDOM COAST RIDE SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Shifting Gears United has submitted an application to produce the "5th Annual Freedom Coast Ride" event on Saturday, November 11, 2023 from 7:00 AM to 2:00 PM at Dreher Park. During this event, Shifting Gears United will serve food, alcoholic and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and

Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

Shifting Gears United will pay the City of West Palm Beach a \$877.40 special event permit fee, a \$500 special event security deposit, and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 267-23 approves a Special Events License Agreement between the City and Shifting Gears United and authorizes issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Permit revenues will be received as stated.

- 7.2. Resolution No. 294-23 approving a Special Event License Agreement with Palm Beach County Motorcyclist Toys for Tots, Inc. for the "Bill's Bike's Memorial Toy Run" event on Saturday, December 3, 2023 and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 294-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY MOTORCYCLISTS TOYS FOR TOTS INC. FOR THE PURPOSE OF CONDUCTING THE BILL'S BIKE'S MEMORIAL TOY RUN AT DREHER PARK ON DECEMBER 3, 2023, FROM 9:00 AM TO 6:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE SHIFTING GEARS UNITED FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE BILL'S BIKE'S MEMORIAL TOY RUN SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach County Motorcyclist Toys for Tots, Inc. has submitted an application to produce the "Bill's Bike's Memorial Toy Run" event on Saturday, December 3, 2023, from 9:00 AM to 6:00 PM at Dreher Park. During this event, Palm Beach County Motorcyclist Toys for Tots, Inc. will serve food, alcoholic and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

Palm Beach County Motorcyclist Toys for Tots, Inc. will pay the City of West Palm Beach a \$1,947.40 special event permit fee, a \$1,000 special event security deposit, and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 294-23 approves a Special Events License Agreement between the City and Palm Beach County Motorcyclist Toys for Tots, Inc. and authorizes issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Permit revenues will be received as stated.

- 7.3. Resolution No. 269-23 relating to the 'Anya' residential project, located at 303 Banyan Boulevard, approving a Right of Way Maintenance Agreement among the Project Developers, 303 Banyan Street, LLC and Woodfield Acquisitions, LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 269-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN 303 BANYAN STREET, LLC AND WOODFIELD ACQUISITIONS, LLC AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF THE CITY RIGHTS-OF-WAY LOCATED AT 303 BANYAN BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The development group, 303 Banyan Street, LLC and Woodfield Acquisitions, LLC, has developed a multi-family housing residential project, known as "Anya" located at 303 and 345 Banyan Boulevard, West Palm Beach, Florida in accordance with City Site Plan Approval Processes under Case No. 19-05 (Z19080020) dated August 21, 2020.

The project features specialized elements, including: landscaping, trees, irrigation systems, specialty pavers, benches, street lighting, and bicycle racks to be installed within the public right-of-way adjacent to the project, along both Banyan Boulevard and Dixie Highway, per applicable plans approved by the City.

The City desires to enter into a Property Improvement & Maintenance Agreement with the Owner/Developer and setting forth the responsibilities of each party with respect to the installation of streetscape improvements, and the maintenance responsibilities for the same.

The Owner/Developer agrees to assume all maintenance obligations for the improvements installed for the project, along with any landscape and hardscape improvements currently existing and installed in the right-of-way.

Commission District 3: Commissioner Christy Fox.

- 7.4. Resolution No. 276-23 authorizing the recording of a Maintenance Map for portions of 36th Street.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 276-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH AUTHORIZING THE RECORDING OF A MAINTENANCE MAP FOR PORTIONS OF 36TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On April 11, 2017, the City Commission approved Resolution No. 120-17 and Resolution No. 121-17 authorizing the submittal of a Local Initiatives (LI) Grant, which would provide bicycle facilities, two (2) multi-use bridges across the Carver Canal pedestrian scale lighting, roadway resurfacing, ADA compliant ramps, and sidewalks on 36th Street from Australian Avenue to Flagler Drive.

Florida Department of Transportation (FDOT) awarded grant funds to the City for these two (2) projects for funding up to \$6,969,000.

Because of the structural bridge components, FDOT preferred to administer the design and construction of these two (2) projects on behalf of the City, with the requirement that when completed, the City will be responsible for the maintenance of 36th Street and the Northshore Pedestrian Bridge.

On January 20, 2019, the City Commission approved Resolution No. 44-19 authorizing the FDOT to administer the 36th Street Improvements Project on behalf of the City of West Palm Beach.

On October 17, 2022, FDOT sent the City the Highway Maintenance Memorandum of Agreement (HMMOA) for each of the North Shore Drive Bridge and the 36th Street projects to be signed by the Mayor and returned to FDOT to be fully executed. Resolution No. 284-22 authorized the Mayor to sign the HMMOA for the 36th Street project.

During the course of the design reviews between FDOT and the City Engineering staff, the design engineer for FDOT discovered that there were some locations along 36th Street, where portions of the new sidewalks and ADA curb ramps being added lay outside of the platted and dedicated City right of way.

FDOT's requirements for grant projects dictate that the entire project must be within existing right of way.

Section 95.361, Florida Statutes, allows a government entity to obtain ownership of existing sidewalks, if the government entity has maintained the area for more than the immediate last seven (7) years, but does not have actual title to the area.

Resolution No. 276-23 authorizes the filing of a maintenance map by the City in the Office of the Circuit Court of Palm Beach County to vest the ownership of portions of the existing sidewalk and project areas not within the platted right of way along 36th Street to enable the FDOT to make improvements as part of the 36th Street Improvements Project.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 7.5. Resolution No. 273-23 approving a Federally Funded Subaward and Grant Agreement with the State of Florida, Division of Emergency Management to accept a grant for reimbursement of eligible costs resulting from DR-4680-Hurricane Nicole; and

Resolution No. 274-23(F) approving budget appropriations for revenue and expenditures in the amount of \$199,209 to cover unbudgeted expenses that occurred in FY 2022/23 as a result of Hurricane Nicole; and providing for the receipt of the Federal (\$149,407) and State (\$24,901) share of eligible grant funds and approve the City cost share of \$24,901.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO. 273-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FEDERALLY FUNDED PUBLIC ASSISTANCE AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF WEST PALM BEACH TO ACCEPT A GRANT TO REIMBURSE THE CITY FOR ELIGIBLE EXPENSES FROM DR-4680-HURRICANE NICOLE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 274-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND VARIOUS OTHER FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF GRANT REVENUES AND EXPENDITURES AS A RESULT OF DR-4680-HURRICANE NICOLE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On December 13, 2022, President Biden issued a major disaster declaration (FEMA DR-4680) for the State of Florida as a result of Hurricane Nicole. The declaration authorized public assistance and hazard mitigation grants for eligible states. The State of Florida received public assistance grant funds from the Federal Emergency Management Agency (FEMA) and is authorized to sub-grant a portion of such funds to the City of West Palm Beach pursuant to the requirements of federal and state law.

The City desires to enter into a Federally-Funded Subaward and Grant Agreement with the State of Florida, Division of Emergency Management (FDEM), to receive grant funds and reimbursement for eligible costs and expenses resulting from Hurricane Nicole. The agreement provided starts the process for reimbursement based on a FEMA project worksheet obligation. Any successive FEMA project worksheet obligation will trigger a modification to Attachment A - Budget and Project List of this agreement.

Finance has completed the City's submission for eligible costs, and FEMA has confirmed and obligated the total amounts requested.

The City's eligible unbudgeted expenses resulting from Hurricane Nicole

is estimated at \$199,209 and occurred in FY 2023. By Resolution No. 274-23(F), budget appropriations will be added by department level within various fund budgets to cover the unbudgeted eligible expenses and allocated to accounts by project number 23000001. Related expenditures by department totals will move to the project account.

It is expected the City will be reimbursed by the Federal Emergency Management Agency (FEMA) for 75% and by the State of Florida for 12.5%, leaving the remaining 12.5% as the City's expense.

Revenue Sources are:

Federal Government (FEMA):	\$149,407
State of Florida, (FDEM):	24,901
City of West Palm Beach:	<u>24,901</u>
TOTAL:	\$199,209

Eligible Expenditures are for the following:

- \$193,302: for Protective Measures, which includes overtime, equipment, and supplies
- \$ 5,907: for repairs to Public Safety boat dock

The City's share of costs (\$24,901) will come from Cash Carryforward Balances from the following funds:

- \$12,005: General Fund
- \$ 348: Fire Assessment Fee Fund
- \$ 8,596: Water & Sewer Fund
- \$ 3,411: Stormwater Fund
- \$ 337: Information Technology Fund
- \$ 204: Fleet Management Fund

An additional amount of \$9,960 is eligible for 100% reimbursement from FEMA for administrative costs identified as Category-Z. This reimbursement is expected to be received in FY 2024.

**Fiscal Note:**

Unbudgeted expenses reimbursed by FEMA and the State total: \$174,308; and the City's share of \$24,901 from various funds Cash Carryforward balances.

- 7.6. Resolution No. 277-23 authorizing and approving a conditional workers' compensation settlement agreement and release in the case of Michael Suarez v. City of West Palm Beach, filed in the State of Florida, Division of Administrative Hearings, Office of the Judge of Compensation Claims.



**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 277-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT AND RELEASE IN THE AMOUNT OF \$45,000 IN THE MATTER OF MICHAEL SUAREZ V. CITY OF WEST PALM BEACH AND CORVEL CORP.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Michael Suarez was injured while in the course and scope of his employment with the City of West Palm Beach on or about February 14, 2018. The City, including its workers' compensation Servicing Agent, CORVEL Corp., have reached a conditional settlement with the claimant and his attorney per a mediation conducted in September 2023. The settlement amount is \$45,000.

Per the City of West Palm Beach Code of Ordinances Section 2-268(g)(4), settlement amounts in excess of \$30,000 require Commission approval. This settlement is the result of negotiation between the parties and is a compromise of the full amount of the cost of the workers' compensation claim had it remained an open claim as allowed by law. In addition, the settlement includes a general release of all other potential claims and all other prior known claims, including any prior workers' compensation claims against the City.

If Commission approval is provided, the settlement documents are then submitted to the Judge of Compensation Claims for the judge's specific approval. It is at that point, where the Servicing Agent then issues the settlement check(s) and the case is officially concluded.

- 7.7. Resolution No. 287-23 waiving a potential conflict of interest relating to GrayRobinson's representation of Tarpon IV, LLC in connection with a code compliance matter.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 287-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST RELATING TO GRAYROBINSON'S REPRESENTATION OF TARPON IV, LLC IN CONNECTION WITH A CODE COMPLIANCE MATTER AND ITS REPRESENTATION OF THE CITY IN UNRELATED MATTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

**Background Information:**

The City of West Palm Beach is represented by GrayRobinson, P.A. (the "firm") as Outside Counsel on several matters including legislative affairs.

The firm desires to represent Tarpon IV, LLC ("Tarpon") in connection with a City of West Palm Beach code enforcement lien as part of an eminent domain matter at issue in Case No. 502022CA004627XXXXMB in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County.

The firm requests that the City waive any potential conflict and has stated that it is able to provide competent and diligent representation to both the City in unrelated matters and Tarpon in the matters described herein.

The firm agrees that it will notify and obtain consent from both Tarpon and the City with respect to future matters where the firm may represent either party in a dispute with the other party.

The firm has also sought written consent from Tarpon who has agreed to waive this potential conflict under the conditions outlined herein.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term), of the Code of Ordinances of the City of West Palm Beach (the "Code") allows the City Commission to waive a potential conflict of interest in unrelated matters or transactions, which will not adversely affect the counsel's representation of the City.

The City of West Palm Beach desires to waive the potential conflict of interest between the City of West Palm Beach and the firm.

**Fiscal Note:**

No fiscal impact.

- 7.8. Resolution No. 300-23 designating a delegate and an alternate delegate to represent the City of West Palm Beach as a voting member of the National League of Cities.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 300-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING A DELEGATE AND AN ALTERNATE DELEGATE FROM THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE NATIONAL LEAGUE OF CITIES 2023 ANNUAL BUSINESS MEETING AND

FUNCTIONS OF THE GENERAL MEMBERSHIP; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The National League of Cities is an advocacy organization in the United States that represents the country's cities, towns, and villages along with the state municipal leagues.

The City of West Palm Beach participates as a member at large of the National League of Cities, which serves an important intergovernmental coordination function.

The National League of Cities 2023 Annual Business Meeting will take place on Saturday, November 18, 2023. At the Annual Business Meeting, its members will adopt and approve the National Municipal Policy and potential bylaw amendments; and elect its officers including the First Vice President and Second Vice President, who are elected to a one (1) year term, and elect twenty (20) local elected officials who are elected to serve two (2) year terms as at-large members of the board.

Once designated, the City of West Palm Beach will be allotted four (4) votes based on its population. Approval of Resolution No. 300-23 will permit the City to register its voting and alternate delegate to participate in the National League of Cities voting and to participate in other league activities.

**Fiscal Note:**

Not applicable.

- 7.9. Resolution No. 239-23 related to the One Flagler office tower generally located at 180 Lakeview Avenue; accepting maintenance responsibility for landscape and hardscape improvements to be constructed along Okeechobee Boulevard and Lakeview Avenue, and Flagler Drive and transferring such maintenance obligations to the Project Developer, RUD 1 Flagler, LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 239-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING MAINTENANCE RESPONSIBILITY FOR A PORTION OF OKEECHOBEE BOULEVARD AND LAKEVIEW AVENUE FOR IMPROVEMENTS TO BE CONSTRUCTED WITHIN THE FDOT RIGHT-OF-WAY RELATED TO THE FLAGLER ONE PROJECT; APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; APPROVING A RIGHT OF WAY MAINTENANCE AGREEMENT WITH RUD 1 FLAGLER

LLC, DEVELOPER OF THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On October 27, 2021, site plan approval was granted for FSPR 19-03 'One Flagler', which is a mixed-use office tower project. The project, consists of approximately 276,245 square feet of new office building, including 6,274 square feet of retail and 239 parking spaces. The project location is generally at the real property of 180 Lakeview Avenue.

The project, now 'One Flagler', is proposed to install both landscape, streetscape, and hardscape improvements within the Florida Department of Transportation (FDOT) right-of-way of Lakeview Avenue and Okeechobee.

FDOT has jurisdiction over State Road 704 (Okeechobee Boulevard/Lakeview Avenue/Flagler Drive). FDOT allows for specialty landscape, streetscape, and hardscape, only if the City agrees to assume maintenance responsibilities of the improvements.

The City will agree to assume the maintenance responsibility, only if the Developer (RUD 1 FLAGLER LLC) agrees to assume the City's maintenance obligations and liability for any claims, damages, or payments made as a result of the assumption of such maintenance obligations.

Resolution No. 239-23 authorizes the Mayor to execute a Maintenance Memorandum of Agreement with FDOT accepting responsibility for the specialty improvements and authorizes the Mayor to execute a Right of Way Maintenance Agreement with RUD 1 Flagler LLC, by which the Developer assumes the maintenance obligations under the FDOT agreement.

Commission District 3: Commissioner Christy Fox.

## 8. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any\*  
Swearing-in of witnesses.

- 8.1. Resolution No. 255-23: A Special Site Plan Review request by Jeffrey Sanon of Pillar Consultants, Inc., on behalf of Legacy at 45th Street, LLC, to allow for a multifamily residential development consisting of forty-eight (48) affordable residential units on property located within the Industrial (I) zoning district, and Variance requests from the City's Zoning and Land Development Regulations.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 255-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW OF THE MULTIFAMILY RESIDENTIAL DEVELOPMENT PROPOSAL CONSISTING OF A TOTAL OF FORTY-EIGHT (48) AFFORDABLE RESIDENTIAL UNITS ON THE SUBJECT PROPERTY LOCATED AT 3430 45TH STREET, WEST PALM BEACH, FLORIDA 33407 COMPRISED OF ONE (1) PARCEL, AND CONTAINING A TOTAL OF APPROXIMATELY 1.52 ACRES (66,024 SQUARE FEET); GRANTING THE VARIANCE REQUESTS FROM THE PROVISION OF SECTIONS 94-443(C)(3) AND 94-486 OF THE CITY OF WEST PALM BEACH, FLORIDA ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 255-23 based on the findings that the project, subject to the conditions set forth in the resolution, complies with the Interim Standards established by Resolution No. 306-22.

**Background Information:**

The subject site is approximately 1.52 acres located within an Industrial (I) zoning district on the south side of 45th Street. The subject site is comprised of one (1) parcel that is currently developed with an existing commercial warehouse building.

Specifically, the proposed development includes three (3) four-story multifamily residential buildings with forty-eight (48) dwelling units, of which all are designated affordable residential units.

Additionally, the applicant requests variances to allow for the proposed fifteen (15) terminal landscaped islands on the subject site. The applicant also requests a variance to allow for the proposed sixty-one (61) vehicular parking spaces on the subject site.

Although the development proposal introduces a residential type use within the subject area, staff finds the proposed development with the recommended conditions of approval will be compatible with the existing uses and character of the surrounding area. It is staff's professional opinion that the requests comply with the interim standards established by Resolution No. 306-22 and the applicable standards of the City's Code of Ordinances. Therefore, staff is recommending approval of the requests, subject to the proposed conditions, as identified in the staff report and Resolution No. 255-23.

## STANDARDS

Staff finds the requested special site plan review complies with the interim standards as established in Section 4 of Resolution No. 306-22.

## NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 2: Commissioner Shalonda Warren.

- 8.2. Resolution No. 265-23 approving the replat of approximately 1.245 acres (54,240 square feet) of real property generally located at 445 Datura Street, as is associated with the "Watermark" senior and assisted living residential project.

### **Originating Department:**

Development Services

### **Ordinance/Resolution:**

RESOLUTION NO. 265-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "DATURA SENIOR LIVING COMMUNITY" CONSISTING OF ONE (1) DEVELOPMENT TRACT TOTALING APPROXIMATELY 1.245 ACRES (54,240 SQUARE FEET) GENERALLY LOCATED AT 445 DATURA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **Staff Recommended Motion:**

Approve Resolution No. 265-23 creating the plat entitled "DATURA SENIOR LIVING COMMUNITY".

This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan, and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

### **Background Information:**

The subject property and project entitled: "The Watermark at West Palm Beach" received site plan approval on December 11, 2019. The project consists of 174,955 square feet of senior and assisted living residential uses; with 154 units, and 73 licensed beds within an approximately 1.25 acre property. The project is generally located at 445 Datura Street.

The development approval for “The Watermark at West Palm Beach” provided a condition that prior to the issuance of the final Certificate of Occupancy (CO), the property shall be replatted in accordance with the City's policies and procedures.

The ownership (ZOM LIVING + ZOM SENIOR LIVING) wishes to aggregate the site into a single development tract and detail all necessary easements.

Commission District 3: Commissioner Christy Fox.

## **9. COMMENTS FROM THE PUBLIC**

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

## **10. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **11. ADJOURNMENT**

\*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.